

201042

STATE OF KANSAS



KANSAS DEPARTMENT OF TRANSPORTATION
BUREAU OF TRANSPORTATION PLANNING

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Bill Graves
Governor

E. Dean Carlson
Secretary of Transportation

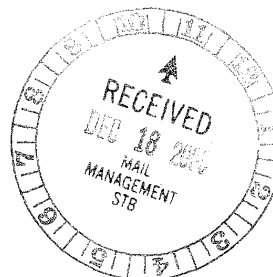
James E. Tobaben
Bureau Chief

ENTERED
Office of the Secretary

DEC 18 2000

Part of
Public Record

December 15, 2000



Surface Transportation Board
Office of the Secretary
Case Control Unit
Attn: STB Ex Parte No. 582 (Sub-No.1)
1925 K Street, N.W.
Washington, D.C. 20423-0001

RE: STB Ex Parte No. 582 (Sub-No.1)
Major Rail Consolidation

Dear Secretary:

Enclosed for filing in the above-captioned docket are the original and twenty-five copies of the Joint Comments of the Kansas Department of Transportation and Kansas Corporation Commission. Also enclosed is a 3.5-inch IBM-compatible floppy disk containing an electronic copy of the Joint Comments in WordPerfect 5.x.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "John Jay Rosacker".
John Jay Rosacker

Enclosures

201042

BEFORE THE
SURFACE TRANSPORTATION BOARD

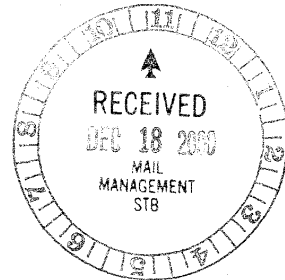
STB Ex Parte No. 582 (Sub-No.1)

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MAJOR RAIL CONSOLIDATION PROCEDURES

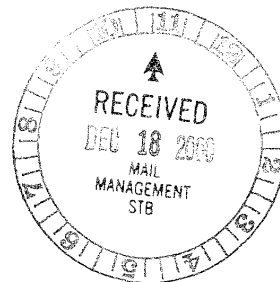


JOINT COMMENTS OF
KANSAS DEPARTMENT OF TRANSPORTATION
KANSAS CORPORATION COMMISSION

John Jay Rosacker
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Bureau of Transportation Planning
Kansas Department of Transportation
217 SE 4th
Topeka, KS 66603

Paula Lentz
Assistant General Counsel
Kansas Corporation Commission
1500 S.W. Arrowhead Road
Topeka, KS 66604

Date: December 15, 2000



BEFORE THE
SURFACE TRANSPORTATION BOARD

STB Ex Parte No. 582 (Sub-No.1)
MAJOR RAIL CONSOLIDATION PROCEDURES

JOINT COMMENTS OF
KANSAS DEPARTMENT OF TRANSPORTATION
KANSAS CORPORATION COMMISSION

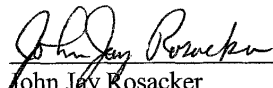
Come now the Kansas Department of Transportation ("KDOT") and the Kansas Corporation Commission ("KCC"), (collectively, "the Kansas Agencies") and file their joint comments in this docket before the Surface Transportation Board ("Board").

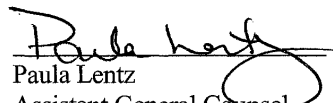
The Kansas Agencies are in agreement with, and endorse, the comments submitted by various rail customers, shippers and shipper associations, industry organizations, agricultural and energy concerns and state and federal agencies. As was pointed out in virtually every one of those comments, the Board's proposed rules fail to adequately address the major areas of concern raised in the opening comments filed on May 16, 2000, and are exceedingly vague and lacking in accountability. The proposed rules must be specific, easily definable, enforceable and verifiable. Modified rules that take the aforementioned concerns into account must be set in place prior to the filing of any further merger applications. As issued, the Notice of Proposed Rulemaking does little more than summarize the comments that participants put forth in the opening comments. The proposed rules fail to provide solutions for the problems experienced in previous mergers.

The Kansas Agencies urge The Board to modify the proposed rules by including specific guidelines and conditions that would work to: ensure enhanced competition; do more to protect shippers from merger-related service disruptions; provide regional and short line railroads with meaningful competitive access through the elimination of "steel" and "paper" barriers; hold merger applicants accountable for promises made in merger applications by imposing distinct performance measures and penalties; maintain open gateways; and address the needs and concerns of captive shippers.

WHEREFORE, for the reasons stated above, the Kansas Agencies request the Board give due consideration to the suggested revisions to its merger regulations.

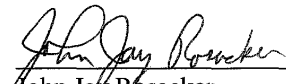
Respectfully Submitted,


John Jay Rosacker
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217 SE 4th
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Paula Lentz
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Kansas Corporation
Commission
1500 S.W. Arrowhead Road
Topeka, KS 66604

CERTIFICATE OF SERVICE

I certify that I have this day served copies of the Joint Comments of the Kansas Department of Transportation and the Kansas Corporation Commission upon all parties of record in this proceeding, by first class mail, postage prepaid.


John Jay Rosacker